

**R.D. # 07-10  
Secaucus, NJ**

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22**

**AFL QUALITY NY, LLC, INC.  
d/b/a AFL WEB PRINTING <sup>1</sup>**

**Employer**

**and**

**CASE 22-RC-13119**

**LOCAL ONE-L, AMALGAMATED  
LITHOGRAPHERS OF AMERICA, IBT/GCC<sup>2</sup>**

**Petitioner**

**DECISION AND DIRECTION OF ELECTION**

The Petitioner, Local One-L, Amalgamated Lithographers of America, IBT/GCC, filed a petition under Section 9(c) of the National Labor Relations Act seeking to represent a unit of approximately 40 pre-press and pressroom lithographic employees employed by the Employer at its Secaucus, New Jersey facility, including first pressmen, second pressmen, roll tenders, press help and output operators. The Employer contends that the unit should not include first pressmen, because they are statutory supervisors.

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<sup>1</sup> The name of the Employer appears as amended at the hearing.

<sup>2</sup> The name of the Petitioner appears as amended at the hearing.

I have considered the evidence and the arguments presented by the parties. I find, for the reasons discussed infra, that the first pressmen are not supervisors within the meaning of the Act, and shall include them in the unit found appropriate herein.

Under Section 3(b) of the Act, I have authority to hear and decide this matter on behalf of the National Labor Relations Board. Upon the entire record in this proceeding,<sup>3</sup> I find:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and hereby affirmed;
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein;<sup>4</sup>
3. The labor organization involved claims to represent certain employees of the Employer;<sup>5</sup>
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and 2(7) of the Act;<sup>6</sup>
5. The appropriate unit for the purpose of collective bargaining within the meaning of Section 9(b) of the Act is as follows:

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<sup>3</sup> A brief filed by the Petitioner has been duly considered. The Employer did not file a brief.

<sup>4</sup> The parties stipulated, and I find, that the Employer is engaged in the printing of newspapers from its Secaucus, New Jersey facility, the only facility involved herein. During the preceding 12 months, the Employer purchased and received at its Secaucus, New Jersey facility goods valued in excess of \$50,000 directly from suppliers located outside of the State of New Jersey. A related company operating out of a Voorhees, New Jersey facility, AFL Quality, Inc. d/b/a AFL Web Printing, is engaged in the same type of business as the Employer herein, is owned by the same entity and does business under the same name. However, as noted above, that facility is not involved in this proceeding.

<sup>5</sup> The parties stipulated and I find that the Petitioner is a labor organization within the meaning of Section 2(5) of the Act.

<sup>6</sup> The record reveals that there is no history of collective bargaining for the sought-after employees and no contract or other bars to an election in this matter.

**All full-time and regular part-time pre-press and pressroom lithographic employees, including first pressmen, second pressmen, roll tenders, press help and output operators employed by the Employer at its Secaucus, New Jersey facility, but excluding all office clerical employees, professional employees, guards and supervisors, as defined in the Act, and all other employees.**

## **I. STATEMENT OF FACTS**

The Employer is engaged in the commercial printing of newspapers from its Secaucus, New Jersey facility. The hours of operation are usually from 3:00 p.m. to 5:00 a.m., although this may vary depending on the specific needs of the Employer's customers.

Mike Valentine, the plant manager, oversees the entire operation in Secaucus. Working under him is Ken Rittreiser, the operations manager, who manages the day-to-day operations and provides supervision for the various departments. The pressroom also has a pressroom manager responsible for operation of the pressroom. Three pressroom shift supervisors, one for each shift, provide supervision for the pressroom employees during their shift. The record reflects that except for a Sunday night shift, there is always a pressroom shift supervisor present at the facility to provide supervision when the presses are operating.

Employees in the pre-press department, known as output operators, make printing plates used in the pressroom. Pressroom employees do the actual printing and bundling of the newspapers. The employees working in the pressroom include first pressmen (also known as lead pressmen), second pressmen, roll tenders and press help (also known as stackers). These employees work together in crews. A crew normally consists of one first pressman, two second pressmen, one roll tender and one

or two press help. The pressroom manager and operations manager determine the composition of each crew. Up to four crews can operate in the pressroom at the same time. Until recently, there had been nine crews employed by the Employer, but currently there are six crews working there.

Before a print job begins, a job ticket is generated by the customer service department that gives detailed instructions regarding the job's specifications. These instructions are necessary in order to set up and run the printing job. Thus, the job ticket will indicate the name of the client, the quantity of the run, the total pages of each copy, the nature of the paper fold, the type of paper to be used, and the colors to be loaded into the press. The job ticket is posted on the press console. The first pressman may talk with crew members regarding the job's specifications, as detailed in the job ticket, or the crew members may check the job ticket themselves to get this necessary information. Initial settings are done on the press, and the appropriate type of paper rolls are put in place based on the specifications before the press is run. Throughout the printing process, adjustments may be made to insure a superior product. When a job is completed, the pressroom employees will do another run on the press, according to the next job ticket.

The employees on each crew work together as a team and stay together for extended periods of time. Each member of the crew has specific duties that he or she will repeatedly perform for each printing job. The tasks performed for each printing job by the employees in the various job classifications are basically the same. While some jobs may take up to six hours to complete, the record reveals that a crew can complete as many as twelve runs a day.

The first pressmen, who are the most skilled members of their crews, will generally set up and adjust the register at the console to do compensations or alignments of the image on each page, as necessary. They will also set the speed of the press and make adjustments to the folder, or take care of problems with the folder if it jams, as needed. Additionally, the first pressmen will check the product to determine whether it is sellable and worthy of going “out on the street.” Further, the first pressmen will complete a job report for each newspaper printed.

The duties of the second pressmen include hanging plates, setting the colored ink levels and water stops, and working on the folder or watching it to make sure that it does not jam. Like the first pressmen, they will also observe the product that is being printed and make adjustments, such as in the colored ink levels, or take care of jamming problems with the folder, when necessary. The second pressmen are required to have the skill sets to perform all of the functions detailed above. Further, when a crew has two second pressmen, during the period of time that they are working together, the second pressmen generally develop fairly standard roles as to how their tasks will be divided, such as who will adjust the ink colors and who will watch the folder.

The roll tenders are responsible for retrieving and inserting the appropriate type of rolls of print paper into the press, as needed. Generally, one of two types of paper is used, and the process of inserting the paper in the press is basically the same for the different types of rolls used. The Employer’s vice president of marketing, Jim Hager, testified that the work of the roll tender is routine.

The press help do unskilled labor, mostly stacking the bundles of finished papers coming off the press and loading them onto skids. They may also do cleanup work and other incidental tasks, when necessary.

The record reflects that first pressmen do not hire employees to work in particular classifications, do not assign employees to work on particular crews or on certain shifts, nor do they approve overtime work. As noted above, the pressroom manager and operations manager decide the composition of each crew. Overtime is authorized by the shift supervisor. Additionally, if a crew member is going to be absent, he or she must notify the shift supervisor in advance and do not have to notify the first pressman. Similarly, first pressmen play no part in approving requests for time off and such requests must be approved by a shift supervisor or the department manager. Additionally, first pressmen do not issue any discipline to employees, nor is there any evidence that they have ever recommended discipline.

Jim Hager and plant manager Mike Valentine testified that first pressmen assign tasks and direct the work of the second pressmen, roll tenders and press help during the setup and running of the press. For example, they collectively testified that the first pressmen tell the second pressmen or roll tenders to do certain tasks such as to hang plates in certain places, to set the color and to make specific color adjustments, or to compensate the press in different ways. When there are two second pressmen in a crew, Hager and Valentine both testified that the first pressman has the discretion to decide which employee will perform each of their tasks, apparently based on whom he considers to be best skilled to perform the task. While Hager did not give any example of this having occurred, Valentine gave one example of a first

pressman telling two different second pressman to work on different press towers for a particular newspaper job. He could only speculate, however, as to why that was done. Hager also testified that if a role tender is absent, the first pressman may ask someone else, most likely whoever is available, to do the roll tenders function such as to get a paper roll. Rodney Carter, a first pressman, testified that he does not have authority to, nor has he, given out any assignments or tasks to the second pressmen, roll tenders or press help. Rather, he testified that he has his functions and they have theirs, that everyone knows what functions they were hired to do, and that they perform their functions on their own initiative. However, if he sees, for example, that an ink color is off, he will tell the second pressman who sets the color. Similarly, if a second pressman sees that the page alignment, which Carter sets and monitors, is off, the second pressman will tell him. Carter testified that they work together as a team in that regard.

Both Hager and Valentine testified that first pressmen may swap jobs on their own if they are running behind on a particular job and in order to meet time constraints. However, they both testified that this is not typical and is only done if a shift supervisor or a higher lever supervisor is not available to approve the change. Neither of them recalled the specific details of any instances when this had occurred.

Hager and Valentine also testified that if crews are short-staffed, the first pressmen can ask a shift supervisor or a higher level supervisor for additional staffing. This also does not happen often. Further, the request may or may not be granted. Valentine also testified that if a shift supervisor is not around, a first pressman can attempt to make arrangements with another first pressman to use someone from his

crew. Without providing more details, he testified that first pressman Carter had worked out arrangements directly with a different first pressman for a transfer of a temporary employee who had been assigned to his crew to work on the other crew. Carter, however, denied that he had authority to transfer employees in or out of his crew. Valentine also testified regarding another occasion when a different first pressman asked him for additional press help but, when the press help was eventually sent, the first pressman sent him back, apparently because he was no longer needed.

Both Hager and Valentine testified that since it is the responsibility of first pressmen to insure that that the product going out is sellable, they are held accountable and could be disciplined for mistakes that are made, even if they are not the person on their crew who made the mistake. Hager did not give any example of a first pressman being so disciplined. Valentine testified that there have been many instances of first pressmen receiving verbal or written warnings for such occurrences, but only gave one specific example of when this had occurred. The example given involved a first pressman who received a verbal warning for the color being poor on a job that went out. No further details were provided as to the circumstances of that discipline or, more specifically, what part, if any, the first pressman had played in causing the defect. Carter testified that he has never been disciplined or even spoken to about the performance errors of other employees in his crew. No documentary evidence of the disciplinary notice referred to, or of any disciplinary action taken against a first pressman for a mistake made by someone else in his crew, was introduced in evidence. This was so even though the Employer's employee handbook



indicates that all forms of discipline, including verbal warnings, are maintained in employees' personnel files.

The record also reveals that the plant manager may consult with the first pressmen, along with shift supervisors or other higher level supervisors, as to an employee's skill level when considering whether that employee should be retained at the end of his probationary period or, thereafter, whether that employee should be promoted to a higher level classification. However, the record reflects that the plant manager will consider the various inputs, which may be at variance with each other, and will make his own independent decision as to these matters.

Hager also testified that on the Sunday night shift when there is no shift supervisor present, the first pressman assumes the duties of a shift supervisor. However, if the first pressman feels uncomfortable making certain personnel decisions, he will call a shift supervisor or any supervisor above that level for guidance. The record reflects that although no shift supervisor is present, Valentine is usually present on that shift, and he has been consulted by the first pressman concerning issues that arise on the job. Further, Hager admitted that he knew of no instance when a lead pressman on that shift made a personnel related decision on his own, without consultation.

With respect to the pay received by the employees involved herein, the record reveals that the first pressmen receive in the range of the low \$20's to \$26 per hour; the second pressmen mostly receive about \$19 per hour, although one second pressman receives about \$22 or \$23 per hour; roll tenders receive between about \$12

and \$16 per hour; and, press help receive about \$10 per hour. All employees receive the same company benefits.

## **II. ANALYSIS**

### **1. Legal Framework**

Section 2(11) of the Act defines a supervisor as “any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall promote, discharge, assign, reward or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.” Individuals are statutory supervisors if: (1) they hold the authority to engage in any one of the 12 supervisory functions listed above; (2) their exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment; and (3) their authority is held in the interest of the employer. See *NLRB v. Kentucky River Community Care, Inc.*, 532 U.S. 706, 713 (2001); *NLRB v. Health Care & Retirement Corp. of America*, 511 U.S. 571, 573-574 (1994).

In applying this three-part test, certain basic principles also govern. First, the party alleging that an individual is a supervisor has the burden of proof. *NLRB v. Kentucky River Community Care, Inc.*, supra at 712. Second, any lack of evidence in the record is construed against the party asserting supervisory status. *Michigan Masonic Home*, 332 NLRB 1409 (2000); *Elmhurst Extended Care Facilities, Inc.*, 329 NLRB 535, 536 fn. 8 (1999). Third, purely conclusionary evidence is not sufficient to establish supervisory status. *Volair Contractors, Inc.*, 341 NLRB 673,

675 (2004); *Sears, Roebuck & Co.*, 304 NLRB 193, 194 (1991). Finally, “the Board . . . exercise[s] caution ‘not to construe supervisory status too broadly because the employee who is deemed a supervisor is denied rights which the Act is intended to protect.” *Oakwood Healthcare, Inc.*, 348 NLRB 686 at 688 (2006) (quoting *Chevron Shipping Co.*, 317 NLRB 379 at 381 (1995)).

In *Oakwood*, the Board clarified the circumstances in which it will find that individuals exercise sufficient discretion in performing two of the supervisory functions listed in Section 2(11) – assignment and responsible direction of work. In addition to defining critical terms, the Board construed the term “assign” as “the act of designating an employee to a place (such as a location, department or wing), appointing an employee to a time (such as a shift or overtime period), or giving significant overall duties, i.e., tasks, to an employee.” *Id.* at 689. To “assign,” for purposes of Section 2(11), “refers to the . . . designation of significant overall duties to an employee, not to the . . . ad hoc instruction that the employee perform a discrete task.” *Id.* at 689.

In *Oakwood*, the Board explained “responsible direction” as follows: “If a person on the shop floor has men under him, and if that person decides what job shall be undertaken next or who shall do it, that person is a supervisor, provided that the direction is both ‘responsible’ . . . and carried out with independent judgment.” *Id.* at 691 (internal quotations omitted). “Responsible direction,” in contrast to “assignment,” can involve the delegation of discrete tasks as opposed to overall duties. *Id.* at 691. An individual will be found to have the authority to responsibly direct other employees only if the individual is accountable for the performance of the

tasks by those employees. Accountability means that the employer has delegated to the putative supervisor the authority to direct the work and the authority to take corrective action if necessary, and the putative supervisor faces the prospect of adverse consequences if the employees under his or her command fail to perform their tasks correctly. *Id.* at 692.

Assignment or responsible direction will produce a finding of supervisory status only if the exercise of independent judgment is involved. Independent judgment will be found where the alleged supervisor acts free from the control of others, is required to form an opinion by discerning and comparing data, and makes a decision not dictated by circumstances or company policy. Independent judgment requires that the decision “rise above the merely routine or clerical.” *Id.* at 693

## **2. Assign**

In *Croft Metals, Inc.*, 348 NLRB 717 (2006), decided the same day as *Oakwood*, the Board dealt with the supervisory status of lead persons in an industrial setting rather than in a hospital setting. In applying the *Oakwood* definitions, the Board concluded that the lead persons therein did not assign employees so as to qualify as supervisors on that basis. In so finding, the Board noted, among other things, that lead persons: 1) do not prepare the posted work schedules for employees, 2) do not appoint employees to the production lines, departments, shifts, or any overtime periods or give significant overall duties to employees, 3) work along side their regular line or crew members who perform consistent with their classifications, the same task or job on the line in their department every day, 4) have no choice or flexibility concerning personnel, if any, that are assigned to them and 5) do not

control, when a regular an employee is absent, how long a replacement will remain. Accordingly, the Board concluded that lead persons did not “assign” nor “responsibly direct” employees in accordance with Section 2(11) as defined in *Oakwood*. I find that the Board’s application of *Oakwood* in *Croft Metals* is consistent with the instant case and is controlling.

Similar to the lead persons in *Croft Metals*, the first pressmen herein do not assign the employees to work in the pressroom or within their classifications, set the hours that they are to work there (either regular or overtime) or give them significant overall duties. Management hires employees to work in the pressroom within specific job classifications for which they have the requisite skills. They also receive instructions from management as to the hours they are to work and the crews with which they will work. The first pressmen work alongside other members of their crew, all of whom work within their job classifications and perform the distinct responsibilities of those classifications. The tasks that each crew member performs are repeated on every press run, many times each day. The record reflects that if the crews are short handed, the first pressmen may ask their shift supervisor, or a higher level supervisor, for a replacement, but the request may or may not be granted. While there was some testimony that when a supervisor is absent a first pressman can arrange with another first pressman to use someone on his crew, the pressman who testified disputed this. In any event, there is no evidence that, if this occurs, it occurs with any frequency. Further, while there is contradictory evidence as to whether first pressmen can switch tasks among employees, even if they can, there is an absence of evidence as to what factors are considered when doing so. In any event, as in *Croft*

*Metals*, the occasional switching of tasks by the first pressman does not constitute the designation of significant overall duties, but would rather be an “ad hoc instruction that the employee perform a discrete task” for which they have a familiarity.

### 3. **Responsibly Direct**

In *Croft Metals*, the Board applied the *Oakwood* definition as follows in finding that leads “direct” employees:

As part of their duties, the lead persons are required to manage their assigned teams, to correct improper performance, move employees when necessary to do different tasks, and to make decisions about the order in which work is to be performed, all to achieve management-targeted production goals. Lead persons instruct employees how to perform jobs properly, and tell employees what to load first on a truck or what jobs to run first on a line to ensure that orders are filled and production completed in a timely manner. (footnote omitted) *Id.* at 722.

The Board also found that the lead persons therein had authority to responsibly direct other employees because they were accountable for the performance of the tasks by other employees. In so finding, the Board noted that:

As part of their duty to oversee the production in their area, the lead persons are also held accountable for the job performance of the employees assigned to them. The record reveals that the Employer has disciplined lead persons by issuing written warnings to them because of the failure of their crews to meet production goals or because of other shortcomings of their crews. This specific showing of ‘some adverse consequence [befalling the lead persons] providing the oversight if the tasks performed are not performed properly’ adequately satisfies the *Oakwood Healthcare* ‘accountability’ standard for purposes of responsible direction. *Id.* at 722.

Nevertheless, the Board found that the employer therein had not met its burden of establishing that the lead persons responsible direction of employees was exercised with independent judgment and involved a degree of discretion that rises above the “routine or clerical.” In so finding, the Board noted:

[T]he testimony reflects that, in loading trucks, the lead persons follow a preestablished delivery schedule and generally employ a standard loading pattern that dictates the placement of different products in the trucks. Proffered examples of instructions given to employees by lead supervisors consisted of matters such as ‘where to put it and how to put it,’ and directions to retrieve loading bands or missing items slated for delivery. Similarly, the Employer’s evidence regarding the production and maintenance employees indicates that such employees generally perform the same job or repetitive tasks on a regular basis and, once trained in their positions, require minimal guidance. The Employer’s own witnesses, to the extent that they testified about the lead persons’ judgment involved in directing the crews, described such directions as “routine.” The Employer adduced almost no evidence regarding the factors weighed or balanced by the lead persons in making production decisions and directing employees. Thus, we cannot conclude that the degree of discretion involved in these activities rises above the routine or clerical. (footnote omitted). *Id.* at 722.

Applying the *Oakwood* and *Croft Metals* standards concerning responsible direction to the instant case, I find that, even assuming that the first pressmen direct certain aspects of their crew’s performance, the evidence is insufficient to establish that they have the authority to responsibly direct those employees, that is, that they are accountable for the performance of tasks by those employees. In that regard, I note that there is no evidence that other employees in the crew were subject to discipline if they failed to obey any direction given by the first pressmen. Further, unlike *Croft Metals*, there is inconclusive evidence as to whether the first pressmen can be disciplined or are held accountable for the job performance of other members of their crew. Although the Employer’s witnesses testified that first pressmen are responsible for the product produced and that they have been disciplined for the failure of others in their crew to perform their tasks correctly, only one example was cited, even though the plant manager testified that there have been many instances of such discipline. Further, the first pressman who testified denied that such discipline

occurs. Additionally, no documentary evidence of this type of discipline ever being issued to first pressmen was introduced, even though the record reflects that all forms of discipline, including verbal warnings, are supposed to be maintained in employees' personnel files. Thus, I find that the Employer has not met its burden in this regard.

Similar to *Croft Metals*, I also find that the evidence in this case is insufficient to establish that any direction given by the first pressmen to other members of his crew is done with the exercise of independent judgment and involves a degree of discretion arising above the "routine and clerical." The record discloses that the job tickets for each run control and limit the discretion of the first pressmen with respect to any tasks that they may assign employees. Additionally, it appears that crew members work independently on the press, performing the same jobs or repetitive tasks on a regular basis and, once trained, require minimal, if any technical guidance, instruction or advice from the first pressmen. To the extent, if any, that first pressmen may assign second pressmen to particular tasks based on the areas in which they excel, rather than second pressmen dividing their responsibilities on their own, I find that any such decisions made on the basis of well-known and limited skills are simply a routine matching of skills to requirements and do not require meaningful discretion. *Franklin Home Health Agency*, 337 NLRB 831 (2002); *Clark Machine Corp.* 308 NLRB 555 (1992). Further, to the extent, if any, that first pressmen may otherwise direct employees, there is scant evidence on this record that this direction involves judgments which rise above the type the Board has characterized as routine. Rather, it appears that any direction that the crew members receive from the first pressmen is no more than "routine, clerical, perfunctory or sporadic" acts that do not involve



independent judgment. *Biewer Wisconsin Saw Mill*, 312 NLRB 506 (1998); *Chicago Metallic Corp.*, 273 NLRB 1677, 1689 (1985). See also *Loparex, LLC*, 353 NLRB No. 126 (2009); *American Directional Boring*, 353 NLRB No. 21 (2008); *Alstyle Apparel*, 351 NLRB 1287 (2007); *Shaw, Inc.*, 350 NLRB 354 (2007); and, *Austal USA, LLC*, 349 NLRB 561 (2007). In all of these cases, the Board found that the employees in question did not exercise independent judgment. Among other reasons, the Board relied on facts that showed that assignments to employees which they made were dictated by determinations or guidelines beyond their control, that the employees generally performed work that was routine and repetitive, or that the decision making required did not rise above the routine or clerical.

#### **4. Transfer or Promote**

The record did not reveal any evidence to support the assertion that the first pressmen have authority to either transfer or promote employees, or to effectively recommend such action. In that regard, it is noted that there is inconclusive evidence that first pressmen can effectuate such transfers of crew members into, or out of, their crews on their own. Further, to the extent that the first pressmen may request to their supervisors, and recommend, transfers of crew members between crews, there is no evidence that such recommendations are necessarily or even routinely approved. Thus, the Employer has not met its burden of establishing that first pressmen are supervisors because of any authority they have with regard to transfers. Further, to the extent that first pressmen, among others, may be asked to evaluate the skills of certain employees on their crew before determinations are made by the plant manager as to whether such employees should be retained at the end of their probationary

period or promoted to a higher job classification, the record reflects such input by the first pressmen is just one factor considered in the decision making process and is not necessarily determinative. Therefore, I find that the Employer has not met its burden of establishing that the first pressmen are supervisors because they effectively recommend the promotions of other employees.

Based upon the foregoing and the record as a whole, I find that the first pressmen do not possess sufficient indicia of supervisory status to qualify them as such under the Act. I will therefore include those employees in the petitioned for Unit.

### **III. DIRECTION OF ELECTION**

An election by secret ballot shall be conducted by the undersigned in the unit found appropriate at the time and place set forth in the notice of election to be issued subsequently. Eligible to vote in the election are those in the unit who were employed during the payroll period ending immediately before the date of this Decision, including employees who did not work during that period because they were ill, on vacation or temporarily laid off. Employees engaged in an economic strike who have retained their status as strikers and have not been permanently replaced are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike that have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll

period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced. Those eligible to vote shall vote whether or not they desire to be represented for collective bargaining purposes by **Local One-L, Amalgamated Lithographers of America, IBT/GCC.**

#### **IV. LIST OF VOTERS**

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties in the election should have access to a list of voters and their addresses, which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision, two (2) copies of an election eligibility list containing the full names and addresses of all the eligible voters in the unit found appropriate above shall be filed by the Employer with the undersigned, who shall make the list available to all parties to the election. *North Macon Health Care Facility*, 315 NLRB 359 (1994). In order to be timely filed, such list must be received in NLRB Region 22, 20 Washington Place, Fifth Floor, Newark, New Jersey 07102, on or before **July 14, 2010**. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

**V. RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14<sup>th</sup> Street, N.W., Washington, D.C. 20570-0001. The Board in Washington must receive this request by **July 21, 2010**. The request may be filed electronically through E-Gov on the Agency's website, [www.nlr.gov](http://www.nlr.gov), but may not be filed by facsimile<sup>7</sup>.

Signed at Newark, New Jersey this 7th day of July, 2010.

/s/ J. Michael Lightner  
J. Michael Lightner, Regional Director  
National Labor Relations Board  
Region 22  
20 Washington Place – 5<sup>th</sup> Floor  
Newark, New Jersey 07102

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<sup>7</sup> To file the request for review electronically, go to [www.nlr.gov](http://www.nlr.gov) and select the E-Gov tab. Then click on the E-Filing link on the menu and follow the detailed instructions. Guidance for E-filing is contained in the attachment supplied with the Regional Office's initial correspondence on this matter and is also located under "E-Gov" on the Agency's website, [www.nlr.gov](http://www.nlr.gov).